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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/699,038

10/27/2000

Robert Jay Shaw

5053-31001

6764

7590

12/08/2006

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3694

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/699,038

**Applicant(s)**

SHAW, ROBERT JAY

**Examiner**

Ella Colbert

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 9-17, 19, 22-30, 32, 35-39 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-17, 19, 22-30, 32, 35-39, and 41-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-4, 6, 9-17, 19, 22-30, 32, 35-39, and 41-43 are pending in this communication filed 09/25/06 entered as Response After Non-Final Action.

#### ***Claim Objections***

2. Claim 38 is objected to because of the following informalities: Claim 38 needs a space after "claim" and before "27". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 14, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Claim 1 has steps missing as follows: After claim limitation one the step discusses "each of the data identifiers corresponds to a physical storage location of one or more data set records" then the next claim limitation discusses building a list of associated data set identifiers ...". The next step should relate to either "retrieving from the physical storage location the one or more data set records" or "building a list of associated data set identifiers corresponding to the physical storage location of the one or more data set records for each of the plurality of FSO related processing tasks, ...: (a step is missing her): configuring a smart trigger ..., ...: ...; ...; and ...; ...; ...; and ...; ...; and ..., (step missing here) the step should include "from the first memory if the scheduled date of the

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smart trigger is not equal or is not before the current date, but executing ... if the scheduled date is not the smart trigger and is not after the current date, wherein ...".

Claims 14 and 27 have a similar problem.

5. Claims 1, 14, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: Claim 1 beginning with "providing ..., each of the data set identifiers" and beginning with "building a list of ... of the first set of data set identifiers; ..., ...: using a task identifier that identifies one of the ...; using at least one data set identifier ...; and scheduling a date for processing the smart trigger; storing the configured smart trigger table ...; reading sequentially at least two of the smart triggers from the ...; and reading for each of the at least two smart triggers from the first memory the scheduled date for processing the smart trigger; comparing ...; and executing ... in response to reading the at least two smart triggers from the first memory ... in response to reading the at least two smart triggers ... after the current date, wherein ... to reading the at least two smart triggers, ..., ...".

Claims 14 and 27 have a similar problem with essential elements being omitted.

Claims 2-4, 6, 9-13, 15-17, 19, 122-26, 28-30, 32, 35-39, and 41-43 are also rejected because of their dependency on a rejected base claim.

### ***Conclusion***

6. Comments: After the above issues have been resolved and the amendments are made to the claims, an extensive search will be made and if no new art is found and no other issues remain the application will be passed to issue.

### ***Inquiries***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 4, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER